

# Morgan Lewis

**Tamar E. Finn**  
**Danielle Burt**

tamar.finn@morganlewis.com  
danielle.burt@morganlewis.com

## VIA HAND DELIVERY, ECFS AND ELECTRONIC MAIL

December 27, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: REQUEST FOR CONFIDENTIAL TREATMENT – Docket No. 03-123**  
**ClearCaptions, LLC Updated Certification Application**

Dear Ms. Dortch:

ClearCaptions, LLC ("ClearCaptions"), pursuant to Sections 0.457 and 0.459 of the rules of the Federal Communications Commission ("Commission"), respectfully requests confidential treatment of certain information contained in the enclosed updated application for certification as a provider of Internet-based TRS (the "ClearCaptions' Updated Application"). The ClearCaptions' Updated Application updated the information contained in ClearCaptions' Internet-Based TRS Certification Application submitted on April 28, 2016, as amended on March 15, 2017, December 8, 2017, May 2, 2018, and August 21, 2018 (collectively, the "ClearCaptions Certification Application, as amended").<sup>1</sup>

An original and one copy of the ClearCaptions' Updated Application in confidential form are submitted. ClearCaptions is also submitting via ECFS an original and one copy of the ClearCaptions' Updated Application in redacted form in Docket No. 03-123. Confidential versions will also be sent by electronic mail to Commission staff.

ClearCaptions requests confidential treatment of all information contained after the heading **\*\*\*BEGIN CONFIDENTIAL\*\*\*** and before the close heading **\*\*\*END CONFIDENTIAL\*\*\*** (the "Confidential Information"). As described below, all material contained inside those headings is company-specific, proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is subject

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<sup>1</sup> *ClearCaptions, LLC, Internet-Based TRS Certification Application*, CG Docket No. 03-123 (filed Apr. 18, 2016), *ClearCaptions, LLC, Amendment To Internet-Based TRS Certification Application*, CG Docket No. 03-123 (filed Mar. 15, 2017), *ClearCaptions, LLC, Second Amendment To Internet-Based TRS Certification Application*, CG No. Docket 03-123 (filed Dec. 12, 2017); *ClearCaptions, LLC, Third Amendment To Internet-Based TRS Certification Application*, CG No. Docket 03-123 (filed May 2, 2018); *ClearCaptions, LLC, Third Amendment To Internet-Based TRS Certification Application*, CG No. Docket 03-123 (filed August 21, 2018).

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
United States

+1.202.739.3000  
+1.202.739.3001

to Exemption 4 of the Freedom of Information Act ("FOIA").<sup>2</sup> All of the Confidential Information has been redacted from the version electronically filed with the Commission.

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,<sup>3</sup> ClearCaptions states:

**1. Identification of the specific information for which confidential treatment is sought.**

ClearCaptions requests confidential treatment of all information contained after the heading **\*\*\*BEGIN CONFIDENTIAL\*\*\*** and before the close heading **\*\*\*END CONFIDENTIAL\*\*\*** in the enclosed ClearCaptions' Updated Application. All of the information designated as the Confidential Information is proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is confidential commercial information under Exemption 4 of the FOIA.<sup>4</sup> This includes information about internal business operations, practices, and structures that would cause harm to ClearCaptions if disclosed. Accordingly, pursuant to Section 0.459(a) of the Commission's rules, ClearCaptions requests that such information not be made routinely available for public inspection.

**2. Identification of the Commission proceeding in which the information is submitted or a description of the circumstances giving rise to the submission.**

ClearCaptions is updating its application for certification as a provider of Internet Protocol Captioned Telephone Service ("IP CTS"), a form of Internet-based telecommunications relay service, made pursuant to 47 C.F.R §§ 64.606(a)(2) and (g).

**3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

The Confidential Information at issue is proprietary commercial information that is specific to ClearCaptions, is safeguarded from competitors, and is not made available to the public. This includes information about internal business operations, practices, and structures that would cause harm to ClearCaptions if disclosed. If the Confidential Information is not protected from disclosure, other relay providers could utilize the information against ClearCaptions.

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<sup>2</sup> 47 C.F.R. § 0.457(d); 5 U.S.C. § 552(b)(4).

<sup>3</sup> 47 C.F.R. § 0.459(b).

<sup>4</sup> 5 U.S.C. § 552(b)(4).

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The Confidential Information concerns the provision of competitive IP CTS. The Confidential Information is being provided to the Commission to describe ClearCaptions' business, operational, and market details.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

The Confidential Information constitutes highly sensitive commercial information "which would customarily be guarded from competitors" pursuant to 47 C.F.R § 0.457. The disclosure of the Confidential Information could cause substantial competitive harm to ClearCaptions. Because other relay providers would have access to significant information regarding ClearCaptions' current capabilities, they could use the Confidential Information to ClearCaptions' disadvantage in the marketplace.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

ClearCaptions routinely treats the Confidential Information as confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

ClearCaptions does not make the Confidential Information available to the public. This Confidential Information has not been previously disclosed to third parties, except where required by the Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

**8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.**

ClearCaptions requests that the Confidential Information be treated as confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to ClearCaptions.

**9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.**

The Confidential Information contains proprietary commercial information that ClearCaptions will safeguard as necessary.

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December 27, 2018  
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Should you have any questions concerning the foregoing request, please contact the undersigned.

Respectfully submitted,

*/s/ Tamar Finn*

Tamar Finn  
Danielle Burt

Counsel ClearCaptions, LLC

cc (via email): Eliot Greenwald  
Bob Aldrich  
Michael Scott  
TRSreports@fcc.gov

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Telecommunications Relay Services and ) CG Docket No. 03-123  
Speech-to-Speech Services for Individuals )  
with Hearing and Speech Disabilities )  
 )  
 )

**UPDATED INTERNET-BASED TRS CERTIFICATION  
APPLICATION**

**ClearCaptions LLC**

Michael Strecker  
Vice President of Regulatory  
ClearCaptions, LLC  
3001 Lava Ridge Ct, STE 100  
Roseville, CA 95661

Tamar Finn  
Danielle Burt  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Ave., NW  
Washington, DC 20004  
(202) 739-3000

*Counsel to ClearCaptions LLC*

December 27, 2018

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**I. Update to Introduction and Summary**

Pursuant to 47 C.F.R. § 64.606(a)(2), and in accordance with the Commission’s Orders released on July 28 and October 17, 2011,<sup>1</sup> ClearCaptions LLC (“ClearCaptions”) submits this update to its April 18, 2016 application for certification as a provider of Internet-based telecommunications relay service (“iTRS”),<sup>2</sup> as amended on March 15, 2017, December 8, 2017, May 2, 2018, and August 21, 2018.

ClearCaptions provides Internet Protocol Captioned Telephone Service (“IP CTS”) to enable deaf and hard of hearing persons to communicate via telephone. ClearCaptions currently provides IP CTS pursuant to a conditional certification that was transferred from Purple Communications, Inc. (“Purple”) to ClearCaptions effective December 29, 2016.<sup>3</sup> Accordingly, since December 29, 2016, ClearCaptions has been responsible for submitting requests for compensation and has been accountable to the Commission for its provision of IP CTS independently of Purple. On February 14, 2017, ZVRS Holding Company acquired Purple, and Purple no longer holds any ownership interest in ClearCaptions.

Since 2011, ClearCaptions has provided an innovative suite of communication services for individuals with hearing loss. ClearCaptions delivers captioning via IP CTS. ClearCaptions’ services are designed for delivery on a variety of platforms, including home phones, personal

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<sup>1</sup> See 47 C.F.R. § 64.606(a)(2); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, FCC 11-118 (July 28, 2011); *Structure and Practices of the Video Relay Service Program* et al., CG Docket No. 10-51, FCC 11-155 (Oct. 17, 2011).

<sup>2</sup> See ClearCaptions, LLC, Internet-Based TRS Certification Application, CG Docket No. 03-123 (Apr. 18, 2016).

<sup>3</sup> See *Notice of Grant of Conditional Certification for Purple Communications, Inc. To Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014); *Notice of Transfer of IP CTS Certification from Purple Communications, Inc. to ClearCaptions LLC*, CG Docket No. 03-123, Letter (Jan. 27, 2017).

computers and mobile devices. ClearCaptions has demonstrated its commitment to actively and responsively working with its customers to ensure that its services meet their needs.

**II. Form of iTRS to Be Provided (47 C.F.R. § 64.606(a)(2)(i))**

There are no updates to the form of ITRS to be provided.

ClearCaptions LLC provides Internet Protocol Captioned Telephone Service, or IP CTS. Purple was granted certification to provide IP CTS on November 14, 2008,<sup>4</sup> and commenced providing IP CTS on January 9, 2011.<sup>5</sup> Purple subsequently obtained a temporary extension of its certification to provide IP CTS service on November 13, 2013,<sup>6</sup> and a conditional grant of a renewal of its certification to provide IP CTS on November 7, 2014.<sup>7</sup> ClearCaptions currently provides IP CTS pursuant to a conditional certification that was transferred from Purple to ClearCaptions effective December 29, 2016.<sup>8</sup>

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<sup>4</sup> *Notice of Certification of GoAmerica, Inc., as a Provider of Internet Protocol Captioning Telephone Service (IP CTS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, DA 08-2514 (Nov. 14, 2008).

<sup>5</sup> Email From John Goodman, Vice President and Chief Legal Office, Purple, to David Rolka, President, Rolka Loube Saltzer Associates (Mar. 19, 2014).

<sup>6</sup> *Notice of Temporary Extension of Certification of Purple Communications, Inc. as a Provider of Internet Protocol Captioned Telephone Relay Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 13-2176 (Nov. 13, 2013).

<sup>7</sup> *Notice of Grant of Conditional Certification for Purple Communications, Inc., To Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014).

<sup>8</sup> *See Notice of Grant of Conditional Certification for Purple Communications, Inc. To Provide Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 14-1627 (Nov. 7, 2014); *Notice of Transfer of IP CTS Certification from Purple Communications, Inc. to ClearCaptions LLC*, CG Docket No. 03-123, Letter (Jan. 27, 2017).



**III. Update to Meeting Non-Waived Minimum Standards (47 C.F.R. § 64.606(a)(2)(ii))**

ClearCaptions updates this section to address the changes in the mandatory minimum standards set forth in 47 C.F.R. § 64.604(c)(10), § 64.604(c)(11)(v), and § 64.604(c)(13) made by the Commission’s *2018 IP CTS Order*.<sup>9</sup>

The chart below details how ClearCaptions will continue to meet all of the non-waived minimum standards applicable to IP CTS. There are no updates other than those addressing the changes made in the *2018 IP CTS Order* and the prior update for the complaint contact point.

STANDARD	WAIVER	CLEARCAPTIONS’ COMPLIANCE
<b>CA Training</b> 47 C.F.R. § 64.604(a)(1)		ClearCaptions has developed a robust IP CTS Communications Assistant (CA) training program that includes over <b>***BEGIN</b> <b>CONFIDENTIAL***</b>  <b>***END</b>  <b>CONFIDENTIAL***</b> The training encompasses instruction on: voicing and diction; English comprehension (including dialects and accents); US geographical, historical and cultural names; and call processing. In addition, IP CTS CAs receive instruction regarding the Hard of Hearing community mores and etiquette. <b>***BEGIN</b> <b>CONFIDENTIAL***</b>   <b>***END</b> <b>CONFIDENTIAL***</b>
<b>CA Skills</b> 47 C.F.R. § 64.604(a)(1)(ii)	Partial Waiver <sup>10</sup>	As part of the training program described above, ClearCaptions ensures that its IP CTS CAs are

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<sup>9</sup> *In re Misuse of Internet Protocol (IP) Captioned Tel. Serv.*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018) (hereinafter “*2018 IP CTS Order*”).

<sup>10</sup> *Telecommunications Relay Services & Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* et al., CG Docket No. 03-123, Declaratory Ruling, FCC 06-182, ¶ 30 n. 105 (Jan. 11, 2007) (“*2007 Waiver Order*”) (waiving the requirement that CAs must be competent in interpreting American Sign Language (ASL) “where the user does not type the outbound message, the CA generates text for the user principally using voice recognition

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
		sufficiently trained to effectively meet the specialized and unique communication needs of deaf and hard of hearing persons. Each has competent skill in typing, grammar, and spelling; is familiar with hearing- and speech-disability cultures, languages, and etiquette; and has clear and articulate voice communication skills.
<b>CA Typing</b> 47 C.F.R. § 64.604(a)(1)(iii)	Waived <sup>11</sup>	ClearCaptions uses voice recognition technology to generate text for the user. The requirement that ClearCaptions give oral-to-type tests of CA speed is waived as a ClearCaptions CA principally uses voice recognition technology to generate text for the user.
<b>Gender Preference</b> 47 C.F.R. § 64.604(a)(1)(vi)	Waived <sup>12</sup>	--
<b>Confidentiality Rule</b> 47 C.F.R. § 64.604(a)(2)(i)		ClearCaptions prohibits its CAs from disclosing the content of any relayed conversation, except as authorized by 47 U.S.C. § 605, and specifies that they may not keep record of the contents of communications handled.
<b>Accuracy/No Altering Rule</b> 47 C.F.R. § 64.604(a)(2)(ii)		ClearCaptions prohibits its CAs from intentionally altering a relayed conversation and requires that conversations be properly translated verbatim except as necessary to comply with federal, state, and local law, or if necessary to provide information to emergency responders.
<b>Sequential Calling</b> 47 C.F.R. § 64.604(a)(3)(i)	Waived <sup>13</sup>	--
<b>Call Length</b> 47 C.F.R. § 64.604(a)(3)(i)		ClearCaptions prohibits its CAs from limiting the number, type, or length of calls.

technologies (instead of typing), and the communications assistant does not play a role in setting up a call.”).

<sup>11</sup> 2007 Waiver Order ¶ 30 n. 105 (waiving the requirement that TRS providers must give CAs oral-to-type tests “where . . . the CA generates text for the user principally using voice recognition technologies (instead of typing)”).

<sup>12</sup> 2007 Waiver Order ¶ 30.

<sup>13</sup> 2007 Waiver Order ¶ 30 n. 105 (waiving the requirement that CAs may not refuse sequential calls “where the user does not type the outbound message, the CA generates text for the user principally using voice recognition technologies (instead of typing), and the communications assistant does not play a role in setting up a call.”).

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
<b>Types of Calls</b> 47 C.F.R. §§ 64.604(a)(3)(ii) & (v)	Partial Conditional Exemption <sup>14</sup>	ClearCaptions offers relay service for registered customers using a specially designed PSTN-based phone, and/or a web-enabled display device, such as a PC, and/or through a wireless device, such as an iPhone or Android based smart phone. Regardless of the endpoint utilized, the user subscribes to their own voice provider, which the relay service is carrier agnostic. The user may make calls of the number, type, and length that they may choose based on the selected telecommunications carrier, and the calling plans that the user subscribes to. ClearCaptions does not charge long distance fees. ClearCaptions supports voice-to-text calling capability.
<b>Two-Line VCO, VCO-to-TTY, and VCO-to-VCO</b> 47 C.F.R. § 64.604(a)(3)(v)		ClearCaptions supports VCO. <sup>15</sup>
<b>Speed Dialing</b> 47 C.F.R. § 64.604(a)(3)(vi)(2)(B)		ClearCaptions provides speed dialing functionality. ClearCaptions phones support quick dialing by using redial and a built in phonebook. In addition, any carrier or network based speed dialing service would be supported using these phones.
<b>Three-Way Calling</b> 47 C.F.R. § 64.604(a)(3)(vi)(3)(C)		ClearCaptions provides three-way calling functionality. ClearCaptions phones allow for customers who subscribe to three-way calling from their telecommunications provider to use the captioning service on their phones.
<b>Voice Mail</b> 47 C.F.R. § 64.604(a)(3)(vii) & (viii)		ClearCaptions provides to its users, as TRS features, answering machine and/or voice mail retrieval which allows customers to see captions when listening to messages that are recorded.
<b>Speed of Answer for IP CTS</b> 47 C.F.R. § 64.604(b)(2)		ClearCaptions' service will meet the speed of answer requirements – 85% of all calls for IP CTS are answered within ten seconds as measured on a daily

<sup>14</sup> 47 C.F.R. § 64.604(a)(3)(ii); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order, Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 14-125, ¶¶ 11-15 (Aug. 22, 2014) (“*2014 Waiver Order*”) (exempting iTRS providers from the “types-of-calls requirement – to the extent that this standard requires providers to offer specific billing options traditionally offered for wireline voice services – so long as providers . . . do not charge for long distance service.”).

<sup>15</sup> See *2014 Waiver Order* ¶ 49 (concluding that “calls between two captioned telephone relay users are essentially a form of VCO-to-VCO and, accordingly, that a waiver of the VCO-to-VCO requirement is unnecessary for IP CTS and CTS providers.”).

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<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
		<p>basis. It is ClearCaptions' goal to exceed the Commission's standards for speed of answer.</p> <p>ClearCaptions will be able to meet or exceed this requirement by staffing sufficient CAs to provide callers with efficient access under projected calling volumes, as well as having multiple centers with technology redundancy.</p>
<b>Equal Access to IXC's</b> 47 C.F.R. § 64.604(b)(3)	Conditional Exemption <sup>16</sup>	ClearCaptions does not charge for long distance service and is exempt from this requirement.
<b>24/7 Operations</b> 47 C.F.R. § 64.604(b)(4)(i)		ClearCaptions provides service 24 hours per day, seven days per week.
<b>Redundancy</b> 47 C.F.R. § 64.604(b)(4)(ii)		ClearCaptions operates with redundant network facilities to ensure reliable service, including uninterruptible power supplies for emergency use. ClearCaptions provides service in real time and maintains adequate facilities so that under projected calling volume the probability of a delayed response due to network congestion will be functionally equivalent to that experienced by a voice caller over the non-TRS telephone network.
<b>Caller ID</b> 47 C.F.R. § 64.604(b)(6)		For IP CTS calls using ClearCaptions' phone, the customer's underlying telecommunications carrier (not ClearCaptions) performs the call routing and passes through data to the interconnecting carrier. ClearCaptions is not in a position as a matter of call architecture to pass through any IP CTS call or numbering data beyond what is passed by the telecommunications carrier.
<b>Complaint Logs and Procedures</b> 47 C.F.R. §§ 64.604(c)(1) & (6)		<p>ClearCaptions maintains a log of consumer complaints including all complaints concerning its relay services. The log includes the date the complaint is filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.</p> <p>ClearCaptions will continue to submit annual summaries of complaint logs indicating the number of complaints received in the 12 month period ending May 31 of each year by July 1 of that year.</p>

<sup>16</sup> 2014 Waiver Order ¶ 15 (exempting iTRS providers from the "equal access to interexchange carriers requirement" so long as providers "do not charge for long distance service."); 47 C.F.R. § 64.604(b)(3).

**REDACTED – FOR PUBLIC INSPECTION**

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
<b>Complaint Contact Point</b> 47 C.F.R. § 64.604(c)(2)		The contact person at ClearCaptions for TRS consumer information, complaints, grievances, inquiries and suggestions is:  Tracy Mendonsa Compliance and Investigations Manager ClearCaptions, LLC 3001 Lava Ridge Court Suite 100 Roseville, CA 95661 Telephone: (916) 663-6927 Email: tracy.mendonsa@clearcaptions.com Website: www.clearcaptions.com
<b>Publicity re iTRS</b> 47 C.F.R. § 64.604(c)(3)		ClearCaptions makes an ongoing effort to educate the public concerning all forms of TRS. This is done through printed media, use of social media, in advertising, on ClearCaptions' web site, and in other available means of communication. ClearCaptions staff regularly participate at meetings and conventions where Hard of Hearing persons are likely to attend.
<b>Rates</b> 47 C.F.R. § 64.604(c)(4)		ClearCaptions does not charge its customers for IP CTS service.
<b>Data Submissions</b> 47 C.F.R. § 64.604(c)(5)		ClearCaptions will provide the TRS Fund Administrator and the FCC with true and adequate cost and other data as well as other historical and projected rate related information.  ClearCaptions employs an automated record keeping system to capture data which is then submitted to the Fund Administrator in a standardized format.
<b>Cost Information Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(1); 47 C.F.R. § 64.604(c)(5)(iii)(E)(3)		ClearCaptions will provide the TRS Fund Administrator with true and adequate cost information including but not limited to: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general, and other historical and projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.
<b>Data Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(2)		ClearCaptions will provide the TRS Fund Administrator with all requisite data and information including that which is requested by the TRS Fund Administrator for each call for which compensation is sought.

**REDACTED – FOR PUBLIC INSPECTION**

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
<b>Speed of Answer Submissions</b> 47 C.F.R. §§ 64.604(c)(5)(iii)(D)(3) & (D)(4)		ClearCaptions will submit call record and speed of answer compliance data to the Fund Administrator electronically in a standardized format. ClearCaptions employs an automated record keeping system to capture such data.
<b>Certification of Submissions</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(5); 47 C.F.R. § 64.604(c)(5)(iii)(I)		A ClearCaptions senior executive with first hand knowledge of the accuracy of the information provided will, when submitting minutes to the Fund for compensation, certify under penalty of perjury that he or she has examined the report, that the minutes were handled in compliance with section 225 and the Commission's rules and orders and are not the result of impermissible financial incentives or payments to generate calls, and that any cost and demand data and statements of fact submitted are true and correct.
<b>Call Data Record Retention</b> 47 C.F.R. § 64.604(c)(5)(iii)(D)(7)		ClearCaptions maintains the requisite call detail records, records to support claims for payment from the TRS Fund, records used to substantiate the costs and expense data submitted in the annual relay service data request form, and all other data as provided in 47 C.F.R. § 64.604(c), in an electronic format that is easily accessible for a minimum of five years.
<b>Whistleblower Notice</b> 47 C.F.R. § 64.604(c)(5)(iii)(M)		ClearCaptions complies with the Whistleblower protections requirements. ClearCaptions provides an accurate and complete description of the TRS whistleblower protections (including the right to contact the FCC's Office of Inspector General or the FCC's Enforcement Bureau) to employees and contractors in writing. Internal written policies have been updated to include those whistleblower protections. Additionally, ClearCaptions has posted educational signs in all its facilities that include the OIG Hotline number.
<b>Treatment of TRS Customer Information</b> 47 C.F.R. § 64.604(c)(7)		ClearCaptions does not use its subscribers' profile data for any purpose other than to connect TRS calls. <sup>17</sup> Neither ClearCaptions nor its employees sell, distribute, share, or reveal profile data unless compelled by law to do so.

<sup>17</sup> *Telecommunications Relay Services & Speech-to-Speech Services for Individuals with hearing & Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-56, ¶¶ 77-84 (2000) (defining "profile data" and limitations on its use).

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STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
<b>No Incentives to Use IP CTS</b> 47 C.F.R. § 64.604(c)(8)		<p>ClearCaptions does not offer or provide to any person or entity that registers to use IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS.</p> <p>ClearCaptions does not offer to or provide to a hearing health care professional any direct or indirect incentives, financial or otherwise, tied to a consumer's decision to register for or use IP CTS. ClearCaptions does not enter into prohibited joint marketing arrangements with any hearing health care professionals.</p>
<b>IP CTS Registration and Certification</b> 47 C.F.R. § 64.604(c)(9) and August 1, 2014 Public Notice <sup>18</sup>		<p>Prior to requesting compensation from the TRS Fund for service provided to a new Assisted User on or after August 28, 2014, ClearCaptions registers the individual new user by obtaining the following registration information: the consumer's full name, date of birth, last four digits of the consumer's social security number, address, and telephone number. ClearCaptions notes the conditional waiver granted to IP CTS providers in the <i>2015 Waiver Order</i> allowing providers to obtain alternative identity-verifying documentation for those individuals who do not have Social Security Numbers.<sup>19</sup> Although ClearCaptions does not make use of this waiver at this time, ClearCaptions reserves the right to do so in the future in a manner consistent with the <i>2015 Waiver Order</i>.</p> <p>In addition, ClearCaptions obtains the individual's written self-certification made under penalty of perjury that states that: the consumer has a hearing loss that necessitates use of captioned telephone service; the consumer understands that the captioning on captioned telephone service is provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; the consumer</p>

<sup>18</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127 (Aug. 1, 2014).

<sup>19</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service et al.*, CG Docket No. 13-24 *et al.*, Order, DA 15-173, ¶ 1 (Feb. 6, 2015).



**REDACTED – FOR PUBLIC INSPECTION**

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
		<p>understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and the consumer will not permit, to the best of the consumer's ability, persons who have not registered to use IP CTS to make captioned telephone calls on the consumer's registered IP captioned telephone service or device.<sup>20</sup></p> <p>The certification is made on a form separate from any other agreement or form, and is required to include a separate customer signature specific to the certification. Such certification is made under penalty of perjury.</p> <p>Per Public Notice DA 14-1127 released August 1, 2014, ClearCaptions notes that for users enrolling after August 28, 2014, even if the consumer accepts IP CTS equipment for free or at a price below \$75 from any source other than a governmental program, no independent, third party certification is required.<sup>21</sup></p>
<b>IP CTS Registration Records and Confidentiality</b> 47 C.F.R. § 64.604(c)(9)(x)		<p>ClearCaptions maintains records of registration and certification information for a period of at least 5 years after the consumer ceases to obtain service from ClearCaptions.</p> <p>ClearCaptions maintains the confidentiality of any registration and certification information obtained, and does not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation.</p>
<b>IP CTS Additional Registration Information</b> 47 C.F.R. § 64.604(c)(9)(xi)		<p>For customers enrolled with ClearCaptions prior to March 7, 2013, ClearCaptions obtained registration information and certification of hearing loss for those customers prior to February 24, 2015, or</p>

<sup>20</sup> See also *Misuse of Internet Protocol (IP) Captioned Telephone Service* et al., CG Docket No. 13-24 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 (Aug. 26, 2013).

<sup>21</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127, at 7 (Aug. 1, 2014).



**REDACTED – FOR PUBLIC INSPECTION**

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
		ceased providing service to those customers by that date. <sup>22</sup>
<b>IP CTS Settings</b> 47 C.F.R. § 64.604(c)(10)		Each IP CTS device distributed by ClearCaptions includes a button, icon, or comparable feature that is easily operable and requires only one step to turn on captions. Volume control and other amplification features can be adjusted separately and independently of the caption feature.
<b>IP CTS Equipment Label</b> 47 C.F.R. § 64.604(c)(11)(iii)		ClearCaptions distributes IP CTS equipment that has a label on its face and in a conspicuous location with the required notification language. For ClearCaptions software, the notification appears when the customer logs in. A picture of this label has been previously provided to the Commission.
<b>IP CTS Equipment Records</b> 47 C.F.R. § 64.604(c)(11)(iv)		ClearCaptions maintains (for a minimum period of five years after the consumer ceases to obtain service from ClearCaptions) with each customer's registration records, as applicable, records indicating IP CTS equipment provided, amount paid, and whether the notification label was affixed to the equipment or mailed to the customer.
<b>IP CTS Equipment Records</b> 47 C.F.R. § 64.604(c)(11)(v)		ClearCaptions is ready to comply, once effective, with the requirement to ensure that its informational materials and websites about IP CTS include the following language in a prominent location in a clearly legible font: "FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING INTERNET PROTOCOL (IP) CAPTIONED TELEPHONES

<sup>22</sup> \*\*\*BEGIN CONFIDENTIAL\*\*\*

\*\*\*END CONFIDENTIAL\*\*\*

**REDACTED – FOR PUBLIC INSPECTION**

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		WITH THE CAPTIONS TURNED ON. IP Captioned Telephone Service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone. There is a cost for each minute of captions generated, paid from a federally administered fund.”
<b>Prohibited Practices</b> 47 C.F.R. § 64.604(c)(13)		<p>ClearCaptions is not engaged in any practice that it knows or has reason to know will cause or encourage false or unverified claims for TRS Fund compensation; unauthorized use of IP CTS; the making of IP CTS calls that would not otherwise be made; or the use of IP CTS by persons who do not need the service in order to communication in a functionally equivalent manner.</p> <p>To the extent ClearCaptions knows or has reason to know that any minutes of service are not eligible for compensation for any of the above-listed reasons or from use of IP CTS by an individual who does not need captions to communicate in a functionally equivalent manner, it will not seek payment from the TRS Fund.</p> <p>To the extent ClearCaptions becomes aware of any of the above-listed practices being or having been committed by any person, ClearCaptions is ready to comply, once effective, with the requirement to, as soon as practicable, report such practices to the Commission or to the TRS Fund Administrator.</p>
<b>Emergency Call Handling</b> 47 C.F.R. § 64.605		<p>ClearCaptions provides emergency call handling service in full compliance with the Commission’s rules.<sup>23</sup> 911 calls for its users are handled and routed to the applicable PSAP. ClearCaptions automatically prioritizes 911 calls at the top of the queue. If there is an unintended disconnection, steps are taken to try and reestablish contact. ClearCaptions ensures that information obtained as a result of emergency calls is limited to that needed to facilitate 911 services, is made available only to</p>

<sup>23</sup> See *ClearCaptions, LLC’s Request for Partial Waiver of Sections 64.605(a)(2)(iv) and 64.605(a)(2)(v) of the Commission’s Rules in Connection with ClearCaptions, LLC Web and Wireless Forms of Internet Protocol Captioned Telephone Service*, CG Docket Nos. 03-123 and 13-24 (March 2, 2018).

STANDARD	WAIVER	CLEARCAPTIONS' COMPLIANCE
		emergency personnel and call handlers, and is used for the sole purpose of ascertaining a user's location in an emergency situation or for other emergency/law enforcement purposes.
<b>Speech-to-Speech Service</b>	Waived <sup>24</sup>	
<b>Impermissible Use of CPNI</b> 47 C.F.R. §§ 64.5105, 64.5107, 64.5108, 64.5109, 64.5110		<p>Purple (including ClearCaptions as its subsidiary) has adopted a detailed policy governing the use of CPNI in order to ensure compliance with the Commission's CPNI rules. ClearCaptions does not use, disclose, or permit access to CPNI for the purpose of marketing to a customer TRS offerings in a category for which ClearCaptions is not the customer's default provider without customer approval, unless otherwise permitted by the Commission's rules. ClearCaptions does not identify or track CPNI of customers that call competing TRS providers and does not use, disclose or permit access to CPNI related to a customer call to a competing TRS provider.</p> <p>ClearCaptions will retain records of any approval obtained for use of CPNI (and any associated notification to the customer of the customer's right to deny or restrict use of, disclosure of, and access to that customers' CPNI) pending the period that approval/disapproval is in effect and for 1 year thereafter. ClearCaptions provides notification to customers of the customer's right to deny or restrict use of, disclosure of, and access to CPNI containing the disclosures specified in 47 C.F.R. § 64.5108(c).</p> <p>ClearCaptions may use or disclose CPNI to the extent allowed or prescribed by the Commission's rules, including the investigation of fraud, waste, and abuse; the submission of minutes to the TRS Fund Administrator; the provision, installation, and maintenance of relay services; and the marketing of adjunct-to-basic services.</p> <p>ClearCaptions has internal procedures and training to ensure that CPNI is only used as permitted by the Commission's rules. ClearCaptions takes all reasonable measures to discover and protect against</p>

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<sup>24</sup> 2007 Waiver Order ¶ 30 n. 97.

<b>STANDARD</b>	<b>WAIVER</b>	<b>CLEARCAPTIONS' COMPLIANCE</b>
		attempts to gain unauthorized access to CPNI. ClearCaptions customers receive an email when their password, address, email address, or first or last name is changed.  ClearCaptions will provide notification and maintain a record of any breach of its customers' CPNI as required by 47 C.F.R. § 64.5111.  ClearCaptions will submit an annual certification of compliance with the Commission's CPNI rules as required by 47 C.F.R. § 64.5109.

**IV. Update to Entities With Ownership / Control Interests (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission's rules requires applicants to list all "individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant."<sup>25</sup>

The updated information is provided in Exhibit 1 to this Application.

**V. Update to Description of Organizational Structure (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission's rules requires applicants to describe their organizational structure.<sup>26</sup>

The updated information is provided in Exhibit 1 to this Application.

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<sup>25</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>26</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

**VI. Update to Names of Executives, Officers, Members of Board (47 C.F.R. § 64.606(a)(2)(ii)(B))**

Section 64.606(a)(2)(ii)(B) of the Commission’s rules requires applicants to provide “the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company).”<sup>27</sup>

This updated information is provided in Exhibit 1 to this Application.

**VII. Update to Number of TRS Employees (47 C.F.R. § 64.606(a)(2)(ii)(C))**

Section 64.606(a)(2)(ii)(C) of the Commission’s rules requires IP CTS applicants to provide “a list of the number of applicant’s full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; . . . communications assistants, and persons involved in marketing and sponsorship activities[.]”<sup>28</sup>

This updated information is provided in Exhibit 2 to this Application.

**VIII. Maintaining Copies of Employment Agreements, Employee List (47 C.F.R. § 64.606(a)(2)(ii)(D))**

There are no updates to this section.

Section 64.606(a)(2)(ii)(D) of the Commission’s rules provides that “copies of employment agreements for all of the provider’s employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of the application, and submitted to the Commission upon request.”<sup>29</sup>

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<sup>27</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>28</sup> 47 C.F.R. § 64.606(a)(2)(ii)(C).

<sup>29</sup> 47 C.F.R. § 64.606(a)(2)(ii)(D).

In accordance with this rule, ClearCaptions will maintain copies of the required employment agreements and employee list for five years from the date of this Application and submit such to the Commission upon request.

**IX. Update to List of Sponsorship Agreements (47 C.F.R. § 64.606(a)(2)(ii)(E))**

Section 64.606(a)(2)(ii)(E) of the Commission’s rules requires applicants to provide “a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements.”<sup>30</sup>

This updated information is provided in Exhibit 3 to this Application.

**X. Provider Compliance With Eligibility Requirements (47 C.F.R. § 64.606(a)(2)(ii)(F))**

There are no updates to this section.

Section 64.606(a)(2)(ii)(F) of the Commission’s rules requires applicants to describe the “measures taken by such applicants or providers to ensure that they do not and will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements in §64.604(c)(9), and an explanation of how these measures provide such assurance.”<sup>31</sup>

Prior to requesting compensation from the TRS Fund for service provided to a new individual Assisted User on or after August 28, 2014, ClearCaptions registers the new consumer by obtaining the following registration information: the consumer’s full name, date of birth, last four digits of the consumer’s social security number, address, and telephone number.

In addition, ClearCaptions obtains the self-certification made under penalty of perjury via the Company’s registration website as prescribed in the Commission’s August 26, 2013 Order

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<sup>30</sup> 47 C.F.R. § 64.606(a)(2)(ii)(E).

<sup>31</sup> 47 C.F.R. § 64.606(a)(2)(ii)(F).

and Further Notice of Proposed Rulemaking.<sup>32</sup> The required certification is an online form separate from any other agreement or form, and includes a separate consumer acknowledgment specific to the certification.

Per the Commission's August 1, 2014 Public Notice, for users enrolling after August 28, 2014, no independent, third party certification is required even if a consumer accepts IP CTS equipment for free or at a price below \$75 from any source other than a governmental program.<sup>33</sup>

For customers enrolled with Purple prior to March 7, 2013, Purple obtained registration and certification for those customers prior to February 24, 2015, or ceased providing service to those customers by February 24, 2015.<sup>34</sup>

Through these measures, the use of regular audits, and by removing ineligible minutes from its compensation submissions, ClearCaptions ensures that it will not request compensation for minutes attributable to customers that do not meet the Commission's registration and certification requirements.

Additionally, ClearCaptions maintains the confidentiality of any registration and certification information obtained, and does not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation. ClearCaptions maintains records of registration and certification information for a period of at least five years after the consumer ceases to obtain service.

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<sup>32</sup> See also *Misuse of Internet Protocol (IP) Captioned Telephone Service* et al., CG Docket No. 13-24 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 (Aug. 26, 2013).

<sup>33</sup> *Consumer and Governmental Affairs Bureau Reaffirms Application of Internet Protocol Captioned Telephone Service (IP CTS) Rule on User Registration and Certification*, CG Docket Nos. 13-24 & 03-123, Public Notice, DA 14-1127, at 7 (Aug. 1, 2014).

<sup>34</sup> See supra n. 22.

**XI. Description of Complaint Procedures (47 C.F.R. § 64.606(a)(2)(iii))**

There are no updates to this section.

Section 64.606(a)(2)(iii) of the Commission’s rules requires applicants to provide a description of their “complaint procedures.”<sup>35</sup>

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**\*\*\*END CONFIDENTIAL\*\*\***

**XII. Statement Regarding Annual Compliance Reports (47 C.F.R. § 64.606(a)(2)(iv))**

There are no updates to this section.

Section 64.606(a)(2)(iv) of the Commission’s rules requires applicants to provide “a statement that the provider will file annual compliance reports demonstrative continued compliance with these rules.”<sup>36</sup>

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<sup>35</sup> 47 C.F.R. § 64.606(a)(2)(iii).

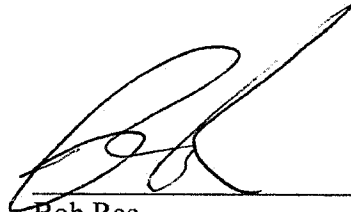
<sup>36</sup> 47 C.F.R. § 64.606(a)(2)(iv).



Pursuant to Section 64.606(a)(2)(iv) of the Commission's rules, ClearCaptions states that it will file annual compliance reports demonstrating continued compliance with the Commission's rules governing Telecommunications Relay Service and containing the information required by Section 64.606(g) of the Commission's rules.

**XIII. Certification (47 C.F.R. § 64.606(a)(2)(v))**

I swear under penalty of perjury that I am Bob Rae, President and CEO, an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

A handwritten signature in black ink, appearing to be 'BR', is written over a horizontal line.

Bob Rae  
President and CEO  
ClearCaptions, LLC

Date: December 27, 2018

**EXHIBIT 1**

**Corporate Stakeholders, Structure, and Officers and Organizational Structure**

ClearCaptions LLC is a limited liability company. ClearCaptions LLC is owned by multiple funds, all of which are controlled by Reservoir Capital Partners, L.P.<sup>37</sup> Reservoir Capital Partners, L.P. is a Managing Member of Reservoir VRS-CC SPV, LLC.

The executives and officers of ClearCaptions LLC are as follows:

Bob Rae, Chief Executive Officer

John Kelleher, Chief Financial Officer

Corrine Perritano, Chief Operating Officer

Rita Beier Braman, Vice President of Text Operations and National Quality Assurance

Michael Strecker, Vice President of Regulatory & Strategic Policy

Monique Dirstine, Director of Human Resources

ClearCaptions LLC has the following Board of Managers:

AJ Brohinsky

Craig Huff

Gregg Zeitlin

Eric Engler

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<sup>37</sup> See *ClearCaptions, LLC, Notification of Non-Substantive Change to ClearCaptions' Ownership Structure*, CG Docket Nos. 10-51 & 03-123 (Mar. 9, 2017); see also *ClearCaptions, LLC, Notification of Non-Substantive Change to ClearCaptions' Ownership Structure*, CG Docket Nos. 10-51 & 03-123 (Oct. 11, 2017).

**EXHIBIT 2**

**Number of ClearCaptions LLC Employees**

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**EXHIBIT 3**

**Sponsorship Lists**

**\*\*\*BEGIN CONFIDENTIAL\*\*\***















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